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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				WANG, LIANG CHE A
ART UNIT		PAPER NUMBER		
		2155		

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/622,053	COILE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Liang-che Alex Wang	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 17 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/17/2003</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____.                         |

## DETAILED ACTION

1. Claims 1-25 are presented for examination.

### *Paper Submitted*

2. It is hereby acknowledged that the following papers have been received and placed of record in the file:
  - a. **Information Disclosure Statements** as received on 7/17/2003 is considered.

### *Specification*

3. The abstract of the disclosure is objected to because The Abstract is too long. Correction is required. See MPEP § 608.01(b).
4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract **not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Each of Claims 19-24 recites a limitation of “A computer program stored on a computer readable medium”, however, there is no proper support in the specification of this language. For examination purposes, this phrase will be interpreted as a physical article or object.

***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Independent claims 1, 7, 13, 19, 25, the limitation “determine/determining whether to transmit a packet from the client to the server using the participating application or the non-participating participating application” does not provide a tangible result which enables the usefulness of what was determined to be realized. Dependent claims 2, 8, 14, 20, recite the limitation “transmitting the packet on the non-participating path if the quad of the packet is on the list” which does not provide a concrete and tangible result if the quad of the packet is not on the list.

8. All dependent claims are rejected to as having the same deficiencies as the claims they depend from.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 3-5, 9-11, 15-17, 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claims 3-5, 9-11, 15-17, 21-23, recite limitation, which performs actions on packets transmitted by the non-participating application. However, there is a determining step in independent claims 1, 7, 13 and 19, where claims 3-5, 9-11, 15-17, 21-23 depend on.

The determining step of independent claims do not definitely result a use of non-participating application, and claims 3-5, 9-11, 15-17, 21-23 recite limitation which requires the use of the non-participating application, therefore the claims are vague and indefinite.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 2, 5-8, 11-14, 17-20, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim et al., US Patent Number 6,718,550, hereinafter Lim.
14. Referring to claim 1, Lim teaches a method for communicating data between a client and a server (Col 4 line 66- Col 5 line 2, Col 8 lines 62-65, Col 10 lines 41-45), comprising:
  - a. initiating a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to “a participating application” and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer corresponds to the action of “initiating”;) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing through transport layer corresponds to “the participating application participates in a transport protocol”);
  - b. establishing a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “establishing”), wherein the non-participating

application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);

- c. determining whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17, method table dispatch 24 determines a local stub function (non-participating application) should be called or a remote function (participating application) should be called ).

15. Referring to claim 2, Lim teaches the method of claim 1, wherein determining whether to transmit a packet from the client to the server on the participating path or the non-participating path (Col 7 lines 7-17) comprises:

- a. determining (Col 7 lines 7-17, method table dispatch 24 is used to make determination) whether a quad of the packet is in a list of non-participating connections to the server (Col 2 lines 39-42, 51-57, (local method table corresponds to “a list of non-participating connections to the server”)); and
- b. transmitting the packet on the non-participating path (paths 75, 76, figure 1b) if the quad of the packet is in the list (Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if a local process is used ).

16. Referring to claim 5, Lim teaches the method of claim 1, wherein the non-participating application modifies a packet header of packets transmitted by the non-participating

application (Col 19 lines 13-40, the headers are masked out (modified) when the process is local (non-participating application)).

17. Referring to claim 6, Lim teaches the method of claim 1, wherein determining whether to transmit a packet from the client to server comprises determining whether to transmit a packet from the client to the server using the participating application or the non-participating application based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application.)

18. Referring to claim 7, Lim teaches a system for communicating data between a client and a server (figure 1a) comprising:

- a. a client (item 20 figure 1a);
- b. a server (Col 8 line 63);
- c. a participating application (remote process dispatch which passes through the transport layer corresponds to a participating application), operable to transmit packets from the client to the server using a transport protocol (Col 2 lines 47-51; Col 8 lines 44-61; Col 10 lines 42-45);
- d. a non-participating application (local process dispatch which bypasses the transport layer corresponds to a non-participating application), operable to transmit packets from the client to the server without using a transport protocol (Col 2 lines 51-57; Col 8 line 62- Col 9 line 9; Col 10 lines 45-48);

- e. an intercepting controller (Object Request Broker 11, figure 1a) operable to determine whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17).
19. Referring to claim 8, Lim teaches the system of claim 7, further comprising a memory operable to store a list of quads (method table 24), wherein each quad is associated with a non-participating connection between one of a plurality of clients and the server (Col 7 lines 7-17), and wherein the intercepting controller is further operable to determine whether to transmit a packet from the client to the server using the participating application or the non-participating application by:
- a. determining whether a quad of the packet is in the list (Col 2 lines 39-42, 51-57);  
and
  - b. transmitting the packet on the non-participating path (paths 75, 76, figure 1b) if the quad of the packet is in the list (Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9).
20. Referring to claim 11, Lim teaches the system of claim 7, wherein the non-participating application modifies a packet header of packets transmitted by the non-participating application (Col 10 lines 45-53; Col 19 lines 13-40).
21. Referring to claim 12, Lim teaches the system of claim 7, wherein the intercepting controller is further operable to determine whether to transmit a packet from the client to server comprises determining whether to transmit a packet from the client to the server using the participating application or the non-participating application based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote

server, the security status of the client would be process on different computers, which is serviced by the participating application.)

22. Referring to claim 13, Lim teaches an apparatus for communicating data between a client and a server (figure 1a) comprising:

- a. a participating application (remote process dispatch which passes through the transport layer corresponds to a participating application), operable to transmit packets from the client to the server using a transport protocol (Col 2 lines 47-51; Col 8 lines 44-61; Col 10 lines 42-45);
- b. a non-participating application (local process dispatch which bypasses the transport layer corresponds to a non-participating application), operable to transmit packets from the client to the server without using a transport protocol (Col 2 lines 51-57; Col 8 line 62- Col 9 line 9; Col 10 lines 45-48);
- c. an intercepting controller (Object Request Broker 11, figure 1a) operable to determine whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17).

23. Referring to claim 14, Lim teaches the apparatus of claim 13, further comprising a memory operable to store a list of quads (method table 24), wherein each quad is associated with a non-participating connection between one of a plurality of clients and the server (Col 7 lines 7-17), and wherein the intercepting controller is further operable to determine whether to transmit a packet from the client to the server using the participating application or the non-participating application by:

- a. determining whether a quad of the packet is in the list (Col 2 lines 39-42, 51-57);  
and
  - b. transmitting the packet on the non-participating path (paths 75, 76, figure 1b) if the quad of the packet is in the list (Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9).
24. Referring to claim 17, Lim teaches the apparatus of claim 13, wherein the non-participating application modifies a packet header of packets transmitted by the non-participating application (Col 10 lines 45-53; Col 19 lines 13-40).
25. Referring to claim 18, Lim teaches the apparatus of claim 13, wherein the intercepting controller is further operable to determine whether to transmit a packet from the client to server comprises determining whether to transmit a packet from the client to the server using the participating application or the non-participating application based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application.)
26. Referring to claim 19, Lim teaches a computer program stored on a computer readable medium, the computer program operable to:
- a. initiate a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to “a participating application” and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer

corresponds to the action of “initiating”;) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing through transport layer corresponds to “the participating application participates in a transport protocol”);

b. establish a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “establishing”), wherein the non-participating application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);

c. determine whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17, method table dispatch 24 determines a local stub function (non-participating application) should be called or a remote function (participating application) should be called).

27. Referring to claim 20, Lim teaches the computer program of claim 19, wherein the computer program is further operable to determine whether to transmit a packet from the client to the server on the participating path or the non-participating path (Col 7 lines 7-17) by:

- a. determining (Col 7 lines 7-17, method table dispatch 24 is used to make determination) whether a quad of the packet is in a list of non-participating connections to the server (Col 2 lines 39-42, 51-57, (local method table corresponds to “a list of non-participating connections to the server”)); and
- b. transmitting the packet on the non-participating path (paths 75, 76, figure 1b) if the quad of the packet is in the list (Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if a local process is used ).

28. Referring to claim 23, Lim teaches the computer program of claim 19, wherein the non-participating application modifies a packet header of packets transmitted by the non-participating application (Col 19 lines 13-40, the headers are masked out (modified) when the process is local (non-participating application)).

29. Referring to claim 24, Lim teaches the computer program of claim 19, wherein the computer program is further operable to determine whether to transmit a packet from the client to server comprises determining whether to transmit a packet from the client to the server using the participating application or the non-participating application based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote

server, the security status of the client would be process on different computers, which is serviced by the participating application.

30. Referring to claim 25, Lim teaches a system for communicating data between a client and a server (Col 4 line 66- Col 5 line 2, Col 8 lines 62-65, Col 10 lines 41-45), comprising:

- a. means for initiating a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to “a participating application” and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer corresponds to the action of “initiating”;) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing through transport layer corresponds to “the participating application participates in a transport protocol”);
- b. means for establishing a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “establishing”), wherein the non-

participating application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);

- c. means for determining whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17, method table dispatch 24 determines a local stub function (non-participating application) should be called or a remote function (participating application) should be called ).

***Claim Rejections - 35 USC § 103***

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 3, 4, 9, 10, 15, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Transmission Control Protocol RFC 793, hereinafter RFC 793.

33. In light of the 35 U.S.C 112, 2<sup>nd</sup> paragraph rejection shown above and based on the best interpretation of the claims by the examiner, the following rejections are provided by the examiner.

34. Referring to claims 3 and 4, Lim teaches the method of claim 1, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

35. Referring to claims 9 and 10, Lim teaches the system of claim 7, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local

process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipate in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

36. Referring to claims 15 and 16, Lim teaches the apparatus of claim 13, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

37. Referring to claims 21 and 22, Lim teaches the method of claim 19, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-

participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

### *Conclusion*

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

39. US Patent Number 5,941,988, Bhagwat et al., teaches session and transport layer proxies via TCP glue, which stops a socket from sending TCP acknowledgement.
40. US Patent Number 6,154,461, Sturniolo et al., teaches seamless roaming among multiple networks.
41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang  
November 17, 2006

